

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN L. KLINGER, JR., and SHEILA J.
KLINGER,

Plaintiffs,

v.

WELLS FARGO BANK, NA &
NORTHWEST TRUSTEE SERVICES, INC.,

Defendant.

Case No. C10-5546RJB

ORDER DENYING
APPLICATION TO PROCEED IN
FORMA PAUPERIS

This matter comes before the court on plaintiffs' Application to Proceed *In Forma Pauperis*. Dkt. 1 and 1-1. The court has considered the application and the remainder of the record herein.

On August 5, 2010, plaintiffs Steven L. Klinger, Jr. and Sheila J. Klinger filed a civil complaint against Wells Fargo Bank, NA & Northwest Trustee Services, Inc. Dkt. 1-4. Plaintiffs allege that defendants violated their rights under the Truth in Lending Act (TILA), 15 U.S.C. § 1601; the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. § 2601; and state law. Dkt. 1-4. Plaintiffs filed a Petition for Restraining Order (Dkt. 1-6) and a Petition for Temporary Injunction (Dkt. 1-9), requesting that the court prevent defendants from foreclosing on and selling the property at issue until defendants prevail in this action.

Plaintiffs also filed an application to proceed *in forma pauperis*. Dkt. 1, and 1-1. Mr. Klinger

1 states that he has a net income of \$3,395 per month when he is working; Ms. Klinger states that she has a
2 net income of \$955.14 per month. Dkt. 1, and 1-1.

3 DISCUSSION AND CONCLUSION

4 The district court may permit indigent litigants to proceed in forma pauperis upon completion of a
5 proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in
6 denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963),
7 *cert. denied* 375 U.S. 845 (1963).

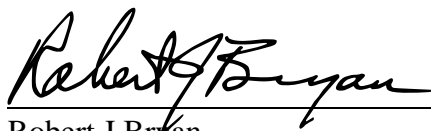
8 It appears that plaintiffs have the resources to pay the \$350 filing fee in this case. Plaintiffs have
9 made a choice to file this civil action. While the costs of this action may place a burden on their
10 resources, plaintiffs appear to have sufficient funds to avail themselves of their legal remedies in this
11 action. Accordingly, plaintiffs' application to proceed *in forma pauperis* should be denied. Before the
12 court dismisses this case, however, plaintiffs should have the opportunity to pay the filing fee.

13 Therefore, it is hereby

14 **ORDERED** that plaintiffs' application to proceed *in forma pauperis* (Dkt. 1 and 1-1) is **DENIED**.
15 If plaintiffs desire to proceed with this civil action, they shall pay the \$350 filing fee to the Court Clerk,
16 not later than August 27, 2010. If plaintiffs fail to timely submit the filing fee, the Clerk is directed to
17 dismiss this case without prejudice.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
19 party appearing *pro se* at said party's last known address.

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21 DATED this 10th day of August, 2010.

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24 Robert J Bryan
25 United States District Judge
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